



EXHIBIT A

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,794	12/28/2001	Senaka Balasuriya	33692.01.0023	1315

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222 N. LASALLE STREET
CHICAGO, IL 60601

EXAMINER

DALENCOURT, YVES

ART UNIT

PAPER NUMBER

2457

MAIL DATE

DELIVERY MODE

02/19/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DOCKETED

Client: Mitnick

File No.: 33692.01.0023

Due Date: 4/19/09 - 2 Months

5/19/09 - FINAL OA Response due

By: ML Date: 2/24/09



Office Action Summary**Application No.**

10/034,794

Applicant(s)

BALASURIYA, SENAKA

Examiner

YVES DALENCOURT

Art Unit

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2008.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 19-21, 26 and 28-30 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 19-21 and 26-30 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some * c) ☐ None of:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/25/2008

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This office action is responsive to amendment filed on 11/25/2008.

Response to Amendment

The Examiner has acknowledged the amended claims 1, 4, and 26.

Response to Arguments

Applicant's arguments filed on 11/25/2008 have been fully considered but they are not persuasive.

Response to Arguments

Applicant's arguments with respect to claims 1 - 20 have been considered but are moot in view of the new ground(s) of rejection.

Regarding Applicant's argument (page 7) that the claimed controller is operative to select one or more of a plurality of multi-modal session proxy servers and the controller determines, on a per-session basis, which of a plurality of multi-modal proxy identifiers represent the proxy address of a selected multi-modal session proxy server of the plurality of proxy servers. Accordingly, the controller interfaces with a plurality of multi-modal session proxy servers and selects the multi-modal session proxy server on a per-session basis based on, for example, a multi-modal proxy identifier. The Examiner respectfully disagrees because *Boloker teaches a MVC-based multi-modal system such as shown in FIG. 1 enables seamless switches between channels at any time, by continuously maintaining and updating the same state of the dialog in all*

interacting views, whether such channels comprise different devices or different modalities (paragraphs [0095], [0101 - 0102]; and [0140 - 0141]).

In response to Applicant's argument (page 8) that there is no teaching of Boloker of receiving a multi-modal proxy identifier on a per-session basis for a browser based on a selection from a plurality of multi-modal proxy servers. As noted above, there is no selection by a controller of which of a plurality of multi-modal proxy servers are selected on a per session basis. The Examiner respectfully disagrees with Applicant because Boloker discloses *a multi-modal shell acting as a browser coordinator to support a multiple authoring framework that uses synchronization tags. Boloker further discloses a MVC-based multi-modal browser framework provides the capability for the user to readily switch between various modalities at any time and seamlessly continue the transaction, when the authoring method and the level of synchronization granularity authorizes it (paragraph [0142].*

In view of such, the rejection is as follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 3, 6, 19 – 21, 26 – 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Boloker et al (US 2002/0194388; hereinafter Boloker).

As per claims 1 and 26, Boloker teaches an apparatus and method for multi-modal communication comprising: a controller operative to select one or more of a plurality of multi-modal session proxy servers (paragraphs [0095], [0101 - 0102]; and [0140 – 0141]; *Boloker teaches a MVC-based multi-modal system such as shown in FIG. 1 enables seamless switches between channels at any time, by continuously maintaining and updating the same state of the dialog in all interacting views, whether such channels comprise different devices or different modalities*); and the plurality of multi-modal session proxy servers having a proxy address (paragraphs [0068 – 0069], [0082], [0202] and [0222 – 0223]; Boloker teaches that the multi-modal shell functions as a virtual proxy, wherein the multi-modal shell supports synchronization of the different views as a web intermediary or proxy), wherein the controller determines, on a per-session basis [0077, 223], which of the plurality of multimodal proxy identifier represents the proxy address of a selected multi-modal session proxy server (paragraphs [0132], [0145], and [0232 – 0235]; **Boloker teaches a mechanism for automatically adding synchronization tags or naming conventions (claimed multi-modal proxy identifiers) to provide synchronization between the views**).

As per claim 2, Boloker teaches the apparatus of claim 1 further comprising: at least one browser having a per session multi-modal proxy evaluator and a browser proxy identifier, wherein the browser is operably coupled to the controller and the

selected one of the plurality of multi-modal session proxy servers such that the browser receives the multi-modal proxy identifier and the browser proxy identifier is evaluated by the multi-modal proxy evaluator, on a per session basis, in response to the multi-modal proxy identifier (the multi-modal proxy evaluator is taught by the modal view controller (MVC) and the browser proxy ID is located in the wrapper (42a); Figures 23 and 25; paragraphs [0082], [0102], [0182], [0206], and [0233 – 0235; **Boloker teaches a multi-modal shell acting as a browser coordinator to support a multiple authoring framework that uses synchronization tags).**

As per claim 3, Boloker teaches the apparatus of claim 1 further comprising: at least one voice browser having a voice browser per session multi-modal proxy evaluator and a voice browser proxy identifier, wherein the voice browser is operably coupled to the controller and the selected one of the plurality of one multi-modal session proxy servers such that the voice browser receives the multi-modal proxy identifier and the voice browser proxy identifier is evaluated by the voice browser per session multi-modal proxy evaluator, on a per session basis, in response to the multi-modal proxy identifier (the browser is a voice browser which is connected to the MVC and the Multi-modal shell; pp 0183-0185, 0214, 0216); and at least one graphical browser having a graphical browser per session multi-modal proxy evaluator and a graphical browser proxy identifier, wherein the graphical browser is operably coupled to the controller and the selected multi-modal session proxy server such that the graphical browser receives the multi-modal proxy identifier and the graphical browser proxy identifier is evaluated by the graphical browser per session multi-modal proxy evaluator, on a per session basis,

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in response to the multi-modal proxy identifier (the browser is a graphical browser (GUI) which is connected to the MVC and the Multi-modal shell; paragraphs [0183-0185], [0214], [0216]; and [0233 – 0235]).

As per claim 6, Boloker teaches he apparatus of claim 1 and method of claim 26 wherein the controller further comprises at least one load balancer whereupon the controller determines the multi-modal proxy identifier in response to the at least one load balancer (pp 0109, 0226, 0245)

As per claim 20, Boloker teaches the method of claim 19 further comprising: fetching requested information from at least one content server (the MM shell gets information from the content server; Figure 26, pp 0082, 0092, 0111, 0112); and providing the requested information to the browser (the information is processed through a synchronization coordinated and MVC; Figure 27, pp 0226-0228, 0230, 0241-0244).

As per claim 21, Boloker teaches the method of claim 20 further comprising: prior to sending an information request, storing an updated browser proxy identifier in a memory location (paragraphs [201 – 202], [206], and [225]).

As per claim 28, Boloker teaches the method of claim 26 further comprising: prior to determining a multi-modal session proxy server, on a per session basis, initiating a multi-modal session between a terminal and a multi-modal network element (the multi-modal proxy evaluator is taught by the modal view controller (MVC) and the browser proxy ID is located in the wrapper (42a); Figures 23 and 25, pp. 0082, 0090, 0102, 0112, 0179-0186, 0207, 0252).

As per claim 29, Boloker teaches the method of claim 28 further comprising: evaluating, on a per session basis, a browser proxy identifier in response to receiving the multi-modal proxy identifier; and receiving an information request from the browser to the multi-modal session proxy server identified by the multi-modal proxy identifier (the multi-modal proxy evaluator is taught by the modal view controller (MVC) and the browser proxy ID is located in the wrapper (42a); Figures 23 and 25, pp. 0082, 0090, 0102, 0112, 0179-0186, 0207, 0252).

As per claim 30, Boloker teaches the method of claim 28 further comprising: fetching requested information from at least one content server (the MM shell gets information from the content server; Figure 26, pp 0082, 0092, 0111, 0112); and providing the requested information to the browser (the information is processed through a synchronization coordinated and MVC; Figure 27, pp 0226-0228, 0230, 0241-0244).

Claims 19 and 26 incorporate substantially all the limitations of claim 1 – 3 with minor variation in the claimed language, in method form, rather in apparatus form. The reasons for the rejection of claims 1 – 3 apply to claims 19 and 26.

Allowable Subject Matter

Claims 4 and 5 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Danner et al (US Patent Number 7,328,269) discloses an apparatus and method for providing server state and attribute management for voice enabled web applications.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YVES DALENCOURT whose telephone number is (571)272-3998. The examiner can normally be reached on M-F 8-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/YVES DALENCOURT/
Primary Examiner, Art Unit 2457

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number		10034794	
	Filing Date		2001-12-28	
	First Named Inventor		Senaka Balasuriya	
	Art Unit		2457	
	Examiner Name		Yves Dalencourt	
Attorney Docket Number		33692.01.0023		

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Not for submission under 37 CFR 1.99)

Application Number	100347
Filing Date	2001-12-28
First Named Inventor	Senaka Balasuriya
Art Unit	2457 2457
Examiner Name	Yves Dalencourt
Attorney Docket Number	33692.01.0023

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<small>¹ See Kind Codes of USPTO Patent Documents at www.USPTO.GOV or MPEP 901.04. ² Enter office that issued the document, by the two-letter code (WIPO Standard ST.3). ³ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁴ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁵ Applicant is to place a check mark here if English language translation is attached.</small>		